

HB 1644-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the law pertaining to waiver of rights by a juvenile.

Declares that parents have a fundamental interest in knowing if their child has been taken into police custody for questioning and where their child is being held. Because a parent or guardian is most often in a position to provide a juvenile with guidance in matters of great importance to a juvenile, it is the intent of the legislature to assist parents in their ability to aid and guide their children when making important legal decisions, including the decision to waive legal rights during custodial interrogations.

Declares an intent to provide children in police custody the opportunity to seek and receive consultation with his or her parents.

Provides that, when a law enforcement officer takes a juvenile into custody, the officer must make reasonable attempts to notify a parent, guardian, or custodian that the juvenile is in custody and where the juvenile is being held.

Provides that when a parent, guardian, or custodian requests to consult with a juvenile in custody and makes himself or herself immediately available, he or she shall be permitted to consult with the juvenile immediately upon his or her request, unless: (1) The juvenile objects to the consultation while in the presence of the parent, guardian, or custodian; or

(2) The parent, guardian, or custodian is a codefendant or victim of the juvenile.

Requires that, prior to questioning a juvenile in custody, a juvenile must be advised of his or her rights in substantially the following language: (1) That the juvenile has a right to remain silent;

(2) That any statement the juvenile makes can be and may be used against the juvenile;

(3) That the juvenile has a right to consult with an attorney; and

(4) That the juvenile has a right to consult with his or her parent, guardian, or custodian prior to questioning.